

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **SCOTT A. WASSERMAN, M.D.**

4 Holder of License No. 23328  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Board Case No. MD-07-0131A

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

(Decree of Censure and Probation)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on April  
8 3, 2008. Scott A. Wasserman, M.D., ("Respondent") appeared before the Board with legal  
9 counsel, Cristina Chait, for a formal interview pursuant to the authority vested in the Board by  
10 A.R.S. § 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of  
11 Law and Order after due consideration of the facts and law applicable to this matter.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the  
14 practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of License No. 23328 for the practice of allopathic  
16 medicine in the State of Arizona.

17 3. The Board initiated case number MD-07-0131A after receiving a complaint  
18 regarding Respondent's care and treatment of patient, AA. The Board's medical consultant who  
19 reviewed the case opined that Respondent met the standard of care; therefore, the quality of care  
20 allegation was not substantiated. It was later discovered; however, that Respondent had referred  
21 to himself as a "plastic surgeon" in the patient consent form when he is not, in fact, a plastic  
22 surgeon.

23 4. Respondent admitted that he is not a plastic surgeon and believes that, in order for  
24 a physician to call himself a plastic surgeon, he would need to complete five years of a general  
25 surgery residency followed by a two-year fellowship in plastic surgery.

5. Respondent stated that the patient consent form was in a cosmetic surgery computer software program that generates the consent form for the specific procedure to be performed. Respondent claimed that this was the first time he saw the reference in the form and he agreed that he was "absolutely responsible" for the fact that he did not see it and omit it.

6. Given that Respondent has already been issued two Letters of Reprimand in the past two years, one in 2006 for false advertising, some Board members expressed concern regarding a pattern of conduct.

### CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(27)(t) ("[k]nowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.").

4. The Board may consider prior disciplinary history when determining the appropriate level of discipline in this case.

## ORDER

**Based upon the foregoing Findings of Fact and Conclusions of Law,**

IT IS HEREBY ORDERED:

1. Respondent is issued a Decree of Censure for knowingly making a fraudulent statement regarding his credentials on a patient consent form prior to surgery.

2. Respondent is placed on probation for five years, in addition to any other probationary order, with the following terms and conditions:

a. Within six months Respondent shall obtain 20 hours of Board Staff pre-approved Category I Continuing Medical Education ("CME") in ethical issues related to surgical practice. Respondent shall provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for biennial renewal of medical license.

b. Board Staff shall conduct random chart reviews. The Board may take additional disciplinary or remedial action based upon the chart reviews.

c. Respondent shall obey all federal, state, and local laws and all rules governing the practice of medicine in Arizona.

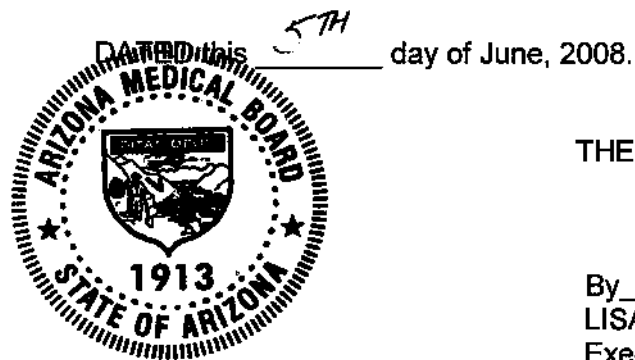
d. In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

#### **RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a

1 petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35)  
2 days after it is mailed to Respondent.

3 Respondent is further notified that the filing of a motion for rehearing or review is required  
4 to preserve any rights of appeal to the Superior Court.



9  
10 THE ARIZONA MEDICAL BOARD

11 By *Lisa S. Wynn*  
12 LISA S. WYNN  
13 Executive Director

14 ORIGINAL of the foregoing filed this  
5TH day of June, 2008 with:

15 Arizona Medical Board  
16 9545 East Doubletree Ranch Road  
17 Scottsdale, Arizona 85258

18 Executed copy of the foregoing  
mailed by U.S. Mail this  
5TH day of June, 2008, to:

19 Cristina M. Chait, Esq.  
20 JONES, SKELTON & HOCHULI, PLC  
21 2901 N. Central Ave., Suite 800  
22 Phoenix, Arizona 85012-2703

23 Scott A. Wasserman, M.D.  
24 Address of Record

25 *Chris Bump*